IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL REVISION No. 455 of 2006

SUSHIL KUMAR
V/S
M.B.,SANGARIYA & ORS

Mr. BHEEM ARORA, for the appellant / petitioner

Mr. SANJAY ARYA, for the respondent

Date of Order : 10.7.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

By the impugned order learned trial court has dismissed the petitioner's application filed under O. 7 Rule 11.

The ground given in the application is that the land is agricultural land, and a suit in respect thereof is cognizable by the Revenue Court only. The learned trial court has found that it is not shown as to how the suit is covered by any of the items mentioned in third schedule to the Tenancy Act, and therefore, has not accepted the application. However, in addition it has also been observed that it will be open to the defendant to raise this objection in the written statement, and thereupon after evidence appropriate decision would be arrived at.

In my view, it is a different story that even if the suit would have been cognizable by Revenue Court, the application under O. 7 Rule 11 would not lay as, Section 207 does not bar maintainability of the suit. It only excludes jurisdiction. Therefore, the matter does not fall under O. 7 Rule 11. That apart even otherwise after reading the plaint, copy whereof was made available to me, I do not find any error in the finding recorded by the learned trial court.

The revision petition thus has no force, and is dismissed summarily.

(N P GUPTA),J.

/Sushil/